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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,445	02/07/2002	Kul Singh	59389-00004USPT	2609

7590 04/21/2005

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EXAMINER	
CHEA, PHILIP J	

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/072,445	SINGH ET AL.	
	Examiner	Art Unit	
	Philip J Chea	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☒ Claim(s) *5-13* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/7/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-13 have been examined.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 2/7/02 was filed on 2/7/02. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "substantially" in claim 6 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

5. The term "most" in claim 6 is a relative term which renders the claim indefinite. The term "most" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Using the term "most" makes it unclear how many internet based email systems are compatible.

6. The term "substantially" in claim 7 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of

the invention. The use of "substantially" makes it unclear if all or a subset of all internet based email systems are supported.

Claim Objections

7. Claims 5-13 are objected to because of the following informalities:

- Note line 12, "email application order to send" is apparently "email application *in* order to send".
- Note claim 13, line 2, "Sending" is apparently "*s*ending".
- Note claim 13, line 4, "Refreshing" is apparently "*refreshing*".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1,2,4 are rejected under 35 U.S.C. 102(e) as being anticipated by Mintz (US 6,250,930).

As per claim 1, Mintz discloses a method of emailing, as claimed, comprising:

- creating a network ID for an email originator and each email recipient (see column 4, lines 44-58, where a network ID is implied, if not inherent, with the ability to transmit email messages from an originator to recipients);
- assigning a sub-network ID that uniquely identifies each email recipient (see column 5, lines 1-3, where standard transport mechanism implies a sub-network ID interpreted as an email address for each recipient);

- creating, using said network ID and said sub-network IDs, an email network for said email originator and said email recipients (see columns 4 and 5, lines 44-67 and 1-3); and
- providing server-side executables for allowing said email network to access the Internet such that an email recipient can access the Internet directly from within an email (see column 6, lines 1-7, where Internet browsers implies accessing the Internet) and for refreshing information in said email after said email is sent from said email originator (see column 5, lines 25-33, where refreshing is considered when a user can answer questions relating to the multiple choice, agree-disagree, etc. directly in the email).

As per claim 2, Mintz further disclose refreshing said email after being sent from one of said email recipients (see column 6, lines 57-64, where editing and interactive capabilities implies a refreshing of email).

As per claim 4, Mintz further disclose that refreshing occurs when said email is refreshed (see column 6, lines 57-64, where it is inherent that refreshing occurs, if the email is to be refreshed).

As per claim 5, Mintz disclose an email server architecture for sending and receiving email that are updateable after being sent comprising:

- an email application interface (API) that is adapted to interface with a server side executed email application in order to enable the email application to function within a predetermined network (see column 6, lines 49-56);
- a network email engine, in communication with said email API, for creating, maintaining and tracking a plurality of network IDs and sub-network IDs (see column 6, lines 49-56, where senders and receivers SMTP and POP server are responsible for creating and tracking network IDs and sub-network IDs); and
- an email delivery engine for originating requests for new email networks and for formatting emails for use with an Internet based email system, said email delivery system adapted for being in communication with said server side executed email application (see column 6, lines 49-56);

- email API further adapted to communicate with said server side executed email application in order to send or receive real-time information to a previously sent email within said predetermined network having a particular network ID and sub-network ID via said email delivery engine in order to update information in said previously sent email (see column 5, lines 25-33).

As per claim 6, Mintz further discloses that a sent or received updatable email passes through said email delivery engine in order to make said sent or received updateable email compatible with internet based email systems (see column 7, lines 10-16).

As per claim 7, Mintz further discloses that the email delivery engine makes sent or received updatable email compatible with internet based email systems (see column 7, lines 6-16).

As per claim 8, Mintz further discloses a component data base, in communication with said network email engine, for storing shared objects for use by said email API such that each time said server executed email application is executed, information collected from said executed application is written to said component data base for usage in updating said previously sent email (see column 8, lines 10-18).

As per claims 9 and 13, Mintz further discloses an email system, as claimed, comprising:

- means for sending an email from an origination to a destination, said email comprising a network ID, a sub-network ID and refreshable data (see columns 4 and 5, lines 44-58; and 1-3 and 25-33),
- means for refreshing said refreshable data after said email is sent (see column 5, lines 25-33).

As per claim 10, Mintz further discloses

- a server side executed application accessed from email (see column 6, lines 49-56);
- a delivery engine, in communication with said server side executed application, for delivering said email and for delivering said refreshable data (see column 6, lines 49-56).

As per claim 11, Mintz further discloses that email is sent to a plurality of destinations, each said plurality of destinations having a different sub-network ID (see columns 9 and 10, lines 67 and 1-13).

As per claim 12, Mintz further discloses that sending an email creates a network among said plurality of destinations and said origination (see columns 9 and 10, lines 67 and 1-13 and Fig. 6).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mintz.

Although the system disclosed by Mintz shows an email system able to view Internet web pages (see column 5, lines 25-44) and utilizes an embedded web browser in the email (see column 7, lines 54-65), it fails to disclose refreshing each time the email is opened.

It is old and well known in the art that when a browser is opened to a web page, the browser loads the web page thereby refreshing the browser to display the current web page.

Given the teaching of Mintz, a person having ordinary skill in the art would have readily recognized the desirability and advantages by employing a refreshing of the embedded browser email content, in order to received the latest information from the web site through the browser embedded email.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nguyen; Julien T. US 6542923 B2

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea
Examiner
Art Unit 2153

PJC 4/13/05



Dung C. Dinh
Primary Examiner